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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,418	11/14/2003	Patrik Gustafsson	KOLS.071PA	2287

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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT

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2687

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/714,418	Applicant(s) GUSTAFSSON ET AL.	
	Examiner Charles Shedrick	Art Unit 2687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments filed 12/16/05 have been fully considered but they are not persuasive.

Regarding Claim 9, Applicant argues:

The Applicants respectfully disagree. It is respectfully submitted that Weghorst, column 3, lines 20-27 generically indicates that a first message containing configuration settings may be transmitted, but this is not specific to using USSD. At column 4, lines 5-10, USSD is mentioned only in the context of the terminal receiving configuration messages, which can be in the form of SMS or USSD. Therefore, Weghorst does not teach or otherwise disclose generating a USSD message in the user terminal that includes parameters of the user terminal. Neither this nor other portions of Weghorst teach this recitation, and it is therefore clear that Weghorst does not expressly teach this element.

However, The examiner respectfully disagree,

In response to applicant's argument that Weghorst does not teach **a generating means for generation a USSD message**, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Weghorst teaches in col. 3 lines 16-19 that in an embodiment of the method, the transmission of the first and second message containing the configuration data is accomplished via an USSD (Unstructured supplementary data) message.

Regarding Claim 9 applicant further argues:

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*Notwithstanding the foregoing, Claim 9 has been **amended** to facilitate prosecution of the application. The generating means generates a USSD message that includes status information of the user terminal, and the transceiver means transmits the USSD message to the application server **for enabling the application server to update the status information on the user terminal on the data relating to the parameters of the user terminal**. This further distinguishes Claim 9 from Weghorst which describes sending parameters from the server to the user terminal and relates to remote configuration of parameters used in the user terminal by control from the server, i.e., controlling the user terminal. In Claim 9, status information on the user terminal is updated to the application server, using a USSD message generated via the user terminal.*

- a. In response to applicant's argument that *The generating means generates a USSD message that includes status information of the user terminal, and the transceiver means transmits the USSD message to the application server **for enabling the application server to update the status information on the user terminal on the data relating to the parameters of the user terminal***, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim.

Regarding Claims 1 and 5, Applicant argues:

As remarked above, the Applicants respectfully submit that Weghorst does not teach, nor does it suggest, generating a USSD message at the user terminal that includes status information of the terminal.

However, the examiner respectfully disagrees in view of the arguments above and in addition to the status information (i.e., information that indicates the state, condition, or current value of a device, program, or command), In this regard configuration data meets the claim.

Response to Amendment

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless – (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **9-12** are rejected under 35 U.S.C. 102(e) as being anticipated by **Weghorst et al.**

(U.S. Patent No. 6,775,551 B1.

Consider **claim 9, Weghorst et al.**, teaches a user terminal (**figure 1**) in a radio system, the user terminal comprising: generating means for generating a USSD (Unstructured Supplementary Service Data) message (**column 3 lines 16-19 and 20–27, column 4 lines 5 -10**), the USSD message comprising data relating to parameters of the user terminal (**column 2 lines 28-37**); and wherein the data comprises status information on the user terminal (i.e., information that indicates the state, condition, or current value of a device, program, or command) (**column 2 lines 28-37**);transceiver means for transmitting the USSD message to an application server of the radio system for enabling the application server to update the status information on the user terminal based on the data relating to the parameters of the user terminal (**column 2 lines 19-27, column 3 lines 20-29, and column 4 lines 5-10**).

Consider **claim 10** and as applied to **claim 9** above, Weghorst et al. clearly disclose the user terminal wherein the generating means are configured to generate the USSD message (**column 3 lines 15-20 and column 4 lines 5-10**) based on the modified parameters of the user terminal (**column 2 line 37-41**).

Consider **claim 11** and as applied to **claim 10** above, Weghorst et al. clearly disclose the user terminal (**figure 1**) wherein the data relating to the parameters of the user terminal (**figure 1**) comprises status information on the user terminal (**column 2 line 38 –41 and column 5 lines 4-24**), the status information is static (i.e., permanently set) and dynamic (i.e., previous used and therefore it is evident that this info can be changed and is thus dynamic) information relating to capabilities of the user terminal (**figure 1**)(**column 4 lines 20-23**).

Consider **claim 12** and as applied to **claim 9** above, Weghorst et al. clearly disclose the user terminal (**figure 1**) wherein the data relating to the parameters of the user terminal comprises a request for configuration parameters (**column 3 lines 7-11**), the received feedback comprises the requested configuration parameters, and the modifying means are configured to modify the parameters of the user terminal based on the received configuration parameters from the application server (**column 2 lines 28-41 and column 3 lines 27-41**).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Weghorst et al. (U.S. Patent No. 6,775,551 B1** in view of **Jo et al. Pub No. :US 2002/00061746 A1**.

Consider **claim 1**, Weghorst et al., clearly disclose a method of modifying parameters of a user terminal in a radio system (**column 2 lines 28-31**), the method comprising: generating, by a user terminal (**column 3 lines 16-19 and 20-27, column 4 lines 5 -10**), a USSD (Unstructured Supplementary Service Data) message comprising data relating to parameters of the user terminal (**figure 1**) (**column 3 lines 16-19 and 20-27, column 4 lines 5 -10**), the data comprising status information on the user terminal (i.e., information that indicates the state, condition, or current value of a device, program, or command) (**column 2 lines 28-37**);

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transmitting the USSD message from the user terminal of the radio system to an application server (i.e., The service center (SC) or within the service center (SC))(figure 1) (column 4 lines 5 –10 and column 6 lines 1-5); and updating, by the application server (figure 1) status information on the parameters of the user terminal (i.e., information that indicates the state, condition, or current value of a device, program, or command) (column 2 line 37 –38 and column 5 lines 20-21).

However, Weghorst et al., does not clearly disclose transmitting the USSD message to a home location register and forwarding the received USSD message from the home location register via a USSD gateway to an application server of the radio system.

In the same field of endeavor, Jo et al. clearly show and disclose transmitting a USSD Message (i.e., a request) to a home location register 10a (figure 5) and forwarding the received USSD message from the home location register 10a (figure 5) via a USSD gateway 52,52a (figure 5) to an application server 50 of the radio system (i.e., the server is in a group of independent but interrelated elements comprising a unified whole which creates the radio system) (figure 5) (paragraph 0071).

Therefore it would it have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Weghorst et al. to specifically include transmitting a USSD message (i.e., a request) to a home location register and forwarding the received USSD message from the home location register via a USSD gateway to an application server as taught by Jo et al. for the purpose of increased security and protocol adaptability.

Consider claim 2 and as applied to claim 1 above, Weghorst et al. as modified by Jo et al. clearly disclose the method wherein the data relating to the parameters of the user terminal

(**figure 1**) comprises a request for configuration parameters (**column 3 lines 7-11**), and the method further comprises sending, by the application server (i.e., The service center (SC) or within the service center (SC))(**figure 1**), configuration parameters to the user terminal based on the received USSD message (**column 2 line 38 –41, column 3 lines 15-20, column 5 lines 4-24, column 6 lines 1-5**).

Consider **claim 3** and as applied to **claim 1** above, Weghorst et al. as modified by Jo et al. clearly disclose the method wherein the data relating to the parameters of the user terminal (**figure 1**) comprises status information on the user terminal (**column 2 line 38 –41 and column 5 lines 4-24**), and the step of modifying the parameters of the user terminal comprises updating the status information on the user terminal (**column 2 line 38 –41 and column 5 lines 4-24**).

Consider **claim 4** and as applied to **claim 3** above, Weghorst et al. as modified by Jo et al. clearly disclose the method wherein the status information is static (i.e., permanently set) and dynamic (i.e., previous used and therefore it is evident that this info can be changed and is thus dynamic) information relating to capabilities of the user terminal (**figure 1**)(**column 4 lines 20-23**).

Consider **claim 5**, Weghorst et al., clearly disclose a radio system (**figure 1**), comprising a user terminal (**figure 1**), wherein the user terminal is configured to generate a USSD (Unstructured Supplementary Service Data) message comprising data relating to parameters of the user terminal and to transmit the USSD message to the application server (**column 3 lines 20 –29**); and the application server is configured to process the USSD message for updating the status information on the user terminal (i.e., information that indicates the state, condition, or current value of a device, program, or command) (**column 2 line 37 –38 and column 5 lines 20-**

21) and wherein the data comprises status information on the user terminal (i.e., information that indicates the state, condition, or current value of a device, program, or command) (**column 2 lines 28-37**) .

However, Weghorst et al. does not specifically disclose a home location register, a USSD gateway; and the home location register configured to forward the USSD message via the USSD gateway to the application server.

In the same field of endeavor, Jo et al. clearly show and disclose transmitting a USSD message (i.e., a request) to a home location register **10a (figure 5)** and forwarding the received USSD message from the home location register **10a (figure 5)** via a USSD gateway **52,52a (figure 5)** to an application server **50 (figure 5) (paragraph 0071)**.

Therefore it would it have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the method of Weghorst et al. to specifically include transmitting a USSD message (i.e., a request) to a home location register and forwarding the received USSD message from the home location register via a USSD gateway to an application server as taught by Jo et al. for the purpose of increased security and protocol adaptability.

Consider **claim 6** and **as applied to claim 5 above**, Weghorst et al. as modified by Jo et al. clearly disclose a radio system the data relating to the parameters of the user terminal (**figure 1**) comprises a request for configuration parameters (**column 3 lines 7-11**), and the method further comprises sending, by the application server (i.e., The service center (SC) or within the service center (SC))(**figure 1**), configuration parameters to the user terminal based on the received USSD message (**column 2 line 38 –41, column 3 lines 15-20, column 5 lines 4-24, column 6 lines 1-5**).

Consider **claim 7** and **as applied to claim 5 above**, Weghorst et al. as modified by Jo et al. clearly disclose the radios system wherein the data relating to the parameters of the user terminal (**figure 1**) comprises status information on the user terminal (**column 2 line 38 –41 and column 5 lines 4-24**), and the step of modifying the parameters of the user terminal comprises updating the status information on the user terminal (**column 2 line 38 –41 and column 5 lines 4-24**).

Consider **claim 8** and **as applied to claim 7 above**, Weghorst et al. as modified by Jo et al. clearly disclose the radio system wherein the status information is static (i.e., permanently set) and dynamic (i.e., previous used and therefore it is evident that this info can be changed and is thus dynamic) information relating to capabilities of the user terminal (**figure 1**)(**column 4 lines 20-23**).

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621.

The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Shedrick
AU 2617
March 4, 2006



NICK CORSARO
PRIMARY EXAMINER